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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,552	02/13/2002	Ryuji Biro	1232-4819	8407
27123	7590	01/10/2006	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			LU, JIPING	
			ART UNIT	PAPER NUMBER
			3749	
DATE MAILED: 01/10/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/075,552

Applicant(s)

BIRO ET AL.

Examiner

Jiping Lu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 and 3-24 are now in the case and remain rejected. Claim 2 is cancelled.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1 and 3-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki in view of Matsumoto et al.

The invention of Aoki presents an optical element (39a-f) which is made from quartz or fluoride (col. 6, lines 43-52). The optical element is disposed in a container for the purpose of subjecting the element to a rinsing system and method. The rinsing system and method comprises a light-emitting unit 20 and a container 53b arranged so that the light-emitting unit 20 is outside the container 53b. The container 53b, which houses the optical element, enables irradiation from the light emitting unit 20 to enter the container 53b through a glass window 38 located on the container 53b. Aoki further presents an expose device for manufacturing and preparing photosensitive members and optical elements (col. 20, lines 53-67; and col. 21, lines 40-62) and teaches filling the apparatus with an inactive gas while the irradiation is transmitted to the container (col. 7, lines 21-27). As the irradiation rinses the optical element with ultraviolet rays from the light-emitting unit 20, the container 53b is filled with a gas containing oxygen (col. 8, lines 21-40). Regarding claim 5, the use of the phraseology "adapted to" does not constitute a positive limitation in a patentable sense. Hence, the recitation of claim 5, which states: "the

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optical element ... being usable in a wavelength region of 200 nm or less" only requires the optical element of Aoki to have the capability to perform in such a manner. Therefore, since the optical element of Aoki is made of the same materials as the Applicant's claimed optical element, it is deemed the invention of Aoki meets the aforementioned limitation of claim 5. Aoki does not teach the container 53b being disposed inside of and having an internal pressure higher than an outer container. Matsumoto et al. teaches a similar method and apparatus for irradiating comprising processing chamber 6a disposed inside an outer chamber 6 (col. 7, lines 9-15). As Matsumoto et al. teaches that having an inner chamber will keep more impurities from affecting processing, it would have been obvious to one of ordinary skill in the art to modify the irradiating apparatus and method of Aoki with the inner and outer chambers of Matsumoto et al. Matsumoto et al. further teaches controlling the pressure of inner chamber 6a depending on desired processing constraints (col. 6, line 61- col. 7, line 8). While Matsumoto et al. does not explicitly teach inner chamber 6a having a pressure higher than that of outer chamber 6, such a limitation would have been obvious to one of ordinary skill in the art since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Response to Arguments

4. Applicant's arguments filed 10/18/2005 have been fully considered but they are not persuasive. First, broad claims presented fail to define over the prior art references. Each and every claim element is clearly shown and taught by the combined teachings of the references. The applicant is requested to point out from the claims if any element is not shown or taught by

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the prior art references. Second, it is noted that the claims 17-19 are product by process claims. Therefore, the patent to Aoki clearly meets the dependent product by process claims 17-19. The applicant has not met the burden to prove that the Aoki product is different from the claimed product. Third, Paragraph A of the Page 7 amendment filed on 10/18/05, the status and explanation of minor amendment to the claims is noted. Paragraph B of Page 7 stated the summary of the traversal of the rejection is also noted. Pages 8-10 of the arguments regarding the failure to show the teachings to combine the prior art patents to Aoki and Matsumoto are not persuasive. The broad claims merely call for two containers having independent ambience. It should be noted that the containers of Matsumoto does have ambience independent from each other. The applicant also argued that the container 700 is made of glass, stainless steel or aluminum, using no organic series material. The contamination of the inside ambience of the second container 700 can be prevented. However, no such limitations are found in the broad claims. The applicant must focus on the claims at issue. The examiner can not give any patentable weight to the applicant's arguments directed to the specification. Fourth, pages 10-12 of the amendment, the applicant argued that the combination of the prior art patents is improper and the patents fail to teach such combination. The examiner does not agree. The Aoki patent shows an optical element (39a-f) which is made from quartz or fluoride (col. 6, lines 43-52). The optical element is disposed in a container for the purpose of subjecting the element to a rinsing system and method. The rinsing system and method comprises a light-emitting unit 20 and a container 53b arranged so that the light-emitting unit 20 is outside the container 53b. The container 53b, which houses the optical element, enables irradiation from the light emitting unit 20 to enter the container 53b through a glass window 38 located on the container 53b. Aoki

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further presents an expose device for manufacturing and preparing photosensitive members and optical elements (col. 20, lines 53-67; and col. 21, lines 40-62) and teaches filling the apparatus with an inactive gas while the irradiation is transmitted to the container (col. 7, lines 21-27). As the irradiation rinses the optical element with ultraviolet rays from the light-emitting unit 20, the container 53b is filled with a gas containing oxygen (col. 8, lines 21-40). Regarding claim 5, the use of the phraseology "adapted to" does not constitute a positive limitation in a patentable sense. Hence, the recitation of claim 5, which states: "the optical element ... being usable in a wavelength region of 200 nm or less" only requires the optical element of Aoki to have the capability to perform in such a manner. Therefore, since the optical element of Aoki is made of the same materials as the Applicant's claimed optical element, it is deemed the invention of Aoki meets the aforementioned limitation of claim 5. The patent to Matsumoto et al. teaches a similar method and apparatus for irradiating with a processing chamber 6a disposed inside an outer chamber 6 (col. 7, lines 9-15). Therefore, in view of the combined teachings of the references, it would have been obvious for one skilled in the art to modify the irradiating apparatus and method of Aoki with the inner and outer chambers of Matsumoto et al. With regard to claims 21-24, the applicant argued that the prior art patents fail to teach the pressure in the second container is higher than the first container. The examiner disagrees. It is clear in the Matsumoto patent that there is a pressure differential between the first container 6 and the second container 6a. because the air flows from first container 6 toward to second container 6a due the pressure added by blower 9.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 571 272 4878. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EHUD GARTENBERG can be reached on 571 272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jiping Lu
Primary Examiner
Art Unit 3749

J. L.